



ALLIED COMMUNICATIONS GROUP, INC.

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April 27, 1995

Mr. William F. Caton
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Federal Communications Commission
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Attn: Ms. Regina Keeney
Chief, Wireless Telecommunications Bureau
2025 M Street, NW - Room 5002
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DOCKET FILE COPY ORIGINAL

Re: Partitioning Plan of Bay Springs Telephone
Company, Inc., PCS PRIMECO, LP and Peterson
County Communications, L.P., PP Docket No.93-253

Dear Mr. Caton:

Allied Communications Group, Inc. (Allied) hereby offers its comments on the proposed partitioning plan filed with the Commission by Bay Springs Telephone Company (Bay Springs) on April 14, 1995.

Bay Springs and Peterson County Communications ("Peterson") have jointly requested (Joint Request) that the Wireless Bureau, under delegated authority, consider and grant their request to partition certain areas of MTA auctioned broadband PCS licenses and to be auctioned BTA licenses. In support of their Joint Request, Bay Springs and Peterson note that Section 24.720(e) of the Commission's rules permit the partitioning of parts of MTA or BTA licenses to rural telephone companies so long as the MTA/BTA licensee will consent to do so. (Italics See Petition at 2.)

The joint request also notes that Commission rules require, inter alia, that a partitioning plan: (i) conforms with established geopolitical boundaries, (ii) includes the wireline service area of the rural telephone company applicant(s), and (iii) is reasonably related to the rural telephone company's wireline service area. In addition, as the joint request acknowledges, a partitioning plan must be reasonably related to the service area of the rural telephone company applicant. (See Petition at 3.) Indicia of reasonableness can be determined from aggregate population, i.e., the presumption of reasonableness obtains when the population of the partitioned area is no more than twice the population of the exchange service area. (47 C.F.R. §24.714.)

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While Allied believes it unnecessary to address Bay Springs' interpretation of the rules, it does wish to caution the Commission that, in acting on the instant request, its determination must appropriately be guided by the fundamental mandates of the Omnibus Resolution Act, viz: to maximize competition in the wireless telecommunications industry, and avoid excessive concentration of licenses by disseminating broadband PCS licenses to a wide variety of applicants.

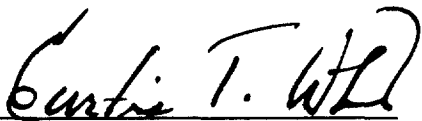
By its own admission, Bay Springs apparently seeks to extend over into areas which are (i) more than twice the size (in pops.) than its service area, and (ii) in areas where it does not provide wireline service. It bases its non-conforming request on the premise that a partition for its wireline (and for the "reasonably related") area is justified only where the rural telephone company can provide PCS to the more populated areas. Put differently, it seeks to use its partitioning plan to implement service in areas where, technically, it is not permitted to do so unless, of course, it bids successfully in the BTA auctions.

This expanded interpretation also poses additional problems. First, it does not necessarily promote competition but, rather, it merely extends the reach of an existing wireless (cellular) licensee. Second, it effectively adds an additional operator to the mix of allocations (i.e., now seven operators under the partition) which clearly the Commission had not intended under its rules.

Because of these issues, Allied believes that the Commission must exercise caution in its deliberations on the joint petition, and ensure that its actions are wholly consistent with both the threshold dictates of the Act and its rules.

Respectfully submitted,

Allied Communications Group, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Comments were forwarded this 28th day of April, 1995, via First Class U.S. Mail, postage prepaid, to the persons listed on the attached service list.


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